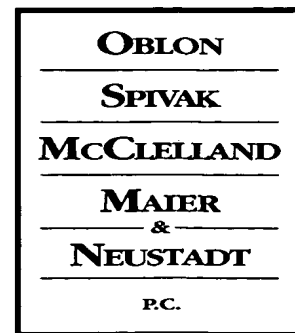




Docket No.: 250882US25CONT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 10/675,816
Applicants: Johann J NEISZ, et al.
Filing Date: September 30, 2003
For: SURGICAL ARTICLES AND METHODS
Group Art Unit: 3736
Examiner: GILBERT, S.

SIR:

Attached hereto for filing are the following papers:

PROVISIONAL ELECTION TO RESTRICTION REQUIREMENT

Our credit card payment form in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Charles L. Gholz

Registration No. 26,395

Customer Number

22850

(703) 413-3000 (phone)

(703) 413-2220 (fax)

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W. Todd Baker

Registration No. 45,265



DOCKET NO: 2003-08-01 US25CONT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
JOHANN J NEISZ, ET AL. : EXAMINER: GILBERT, S.
SERIAL NO: 10/675,816 :
FILED: SEPTEMBER 30, 2003 : GROUP ART UNIT: 3736
FOR: SURGICAL ARTICLES AND :
METHODS :

PROVISIONAL ELECTION TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Responsive to the Official Communication dated June 28, 2004, Applicants respectfully elect, with traverse, Group I, directed to a kit or method including a sling, two needles and two handles.

The Requirement is traversed because the Office has not established that searching the entire application would impose a serious burden. MPEP §803 states:

If the search and examination of an entire application can be made without a **serious** burden, the Examiner **must** examine it on the merits, even though it includes claims to distinct or independent inventions. (Emphasis added).

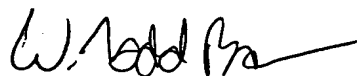
Applicants respectfully submit that a search of all the claims would not impose a serious burden on the Office. As all the claims are directed to similar articles, methods, and kits related to the treatment of urinary incontinence, the respective searches for each group would significantly overlap that for the other groups. Hence, no serious burden is imposed.

For the reasons set forth above, Applicants respectfully submit that the Restriction Requirement is improper, and respectfully request that it be withdrawn.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



W. Todd Baker
Attorney of Record
Registration No.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)

John D. Dellinger
Registration No. 50,436

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